

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF
WILLIAM W. MARTIN, DPM
TO PRACTICE AS A PODIATRIC PHYSICIAN
AND TO ADMINISTER AND PRESCRIBE
CONTROLLED SUBSTANCES
IN THE STATE OF UTAH

:
:
: ORDER REINSTATING LICENSE
:
:

Case No. DOPL-2006-149

BY THE DIVISION:

Respondent has satisfied the terms and conditions as set forth
in the Division's Stipulation and Order, dated July 11, 2006, in the
above-referenced case number.

IT IS HEREBY ORDERED the probation on the licenses of WILLIAM
W MARTIN to practice as a podiatric physician and to administer and
prescribe controlled substances is terminated and said licenses be
reinstated with full privileges effective the date of this Order

Dated this 11 day of September, 2008



F David Stanley
F David Stanley
Director

L MITCHELL JONES (USB 5979)
Assistant Attorney General
MARK L SHURTLEFF (USB 4666)
Attorney General
Commercial Enforcement Division
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**BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSES OF)	
WILLIAM WOODROW MARTIN)	
TO PRACTICE AS A PODIATRIST)	STIPULATION AND ORDER
AND TO PRESCRIBE AND ADMINISTER)	
CONTROLLED SUBSTANCES IN THE)	CASE NO DOPL 2006- 149
STATE OF UTAH)	

STIPULATION

WILLIAM WOODROW MARTIN ("Respondent") and the **DIVISION OF
OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce
("Division") stipulate and agree as follows

1 Respondent admits the jurisdiction of the Division over Respondent and over the
subject matter of this action

2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent is represented in this matter by J Kevin West, Attorney at Law

4 Respondent understands that Respondent is entitled to a hearing before the Utah State Board of Podiatry ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities

7 Respondent admits the following facts

- (a) On or about June 10, 2004, Respondent performed bunion removal surgery on patient D M (full name withheld for purposes of confidentiality) Following the surgery tissue on D M 's feet became necrotic Respondent performed a second surgery on or about July 22, 2004 to treat the necrosis Respondent continued to treat D M without referring D M to another physician while D M 's necrosis continued to worsen Ultimately, extensive reconstructive surgery was performed by physicians at University of Utah Hospital to save D M 's feet
- b On or about July 7, 2003, Respondent attempted the surgical repair of a fractured ankle on patient A S (full name withheld for purposes of confidentiality) A S required corrective surgery from a different physician on or about December 6,

8 Respondent admits that his above-described conduct is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(g) and (i), and justifies disciplinary action against his license pursuant to Utah Code Ann § 58-1-401(2)(a) Respondent agrees that an Order shall be entered in this matter imposing the following sanctions and restrictions on her licenses

- (1) Respondent's licenses to practice as a podiatrist and to administer and prescribe controlled substances shall each be suspended for a period of five years. However, each suspension shall be immediately stayed in favor of a five year term of probation with terms and conditions as described below. If the Board/Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division
 - a Respondent shall contact the Center for Personalized Education for Physicians ("CPEP") within 15 days of the effective date of this Stipulation and Order and set up a date to continue the recommended courses set forth in the CPEP Assessment Report ("Assessment Report") dated December 12-14, 2005, which is incorporated by reference into this Stipulation and Order (but has not been attached for purposes of privacy and confidentiality). Respondent shall successfully complete all of the recommendations included in the CPEP Assessment Report described above within a reasonable amount of time. Respondent shall also cause CPEP to provide the Division with quarterly reports summarizing and describing Respondent's compliance with the recommendations of the Assessment Report.
 - b Respondent shall practice only under the direct supervision of a podiatric physician who is in good standing with the Division. The supervising physician must be approved by the Division and Board and must agree to co-manage practice care issues with Respondent, at the expense of the Respondent. Co-management by the supervisor does not mean the supervisor would be joint liable with Respondent for co-managed cases. This co-management and supervision would initially require full supervision in the operative and procedural setting while updating Respondent's current knowledge base. Respondent

shall pay all costs of supervision including any fee the supervising physician may require. The supervisor shall review all charts related to any surgical procedure, shall be present at all surgical procedures, and shall review all post-surgical care. The supervisor shall review 25% of all non-surgical patient charts. The charts reviewed shall be selected by the supervisor.

- c Respondent shall establish a relationship with an experienced education preceptor in podiatry through the CPEP Educational Intervention process. This shall involve monthly scheduled meetings to review cases and documentation, discuss decisions related to those cases, review specific topics, and make plans for future learning. This relationship with a preceptor shall be an educational process, not just a practice-monitoring event. The preceptor shall provide Respondent with the opportunity to analyze his decision-making skills.
- d Respondent shall successfully complete a continuing professional education course focused on medical record-keeping and documentation.
- e Respondent shall cause the supervising podiatric physician to meet with the Board at the first meeting with the Board following the effective date of this Order, to discuss oversight issues and the responsibilities expected of the supervising physician. Respondent shall further cause the supervising podiatric physician to submit performance evaluations to the Board on a quarterly basis. The receipt of an unfavorable report may be considered to be a violation of this probation.
- f If Respondent is not employed as a podiatric physician, Respondent shall submit the supervisor's performance report form on the date it is due and indicate on the form that Respondent is not currently practicing as a podiatrist or that Respondent is not currently working.
- g If Respondent fails to submit the evaluation to the Division within the time stated above it will be considered a violation of this Stipulation and Order.
- h Failure to pay any costs associated with this Order, in particular any costs associated with CPEP, constitutes a violation of this Stipulation and Order.

- i Respondent shall meet with the Board within 30 days of the signing of the accompanying Order and on a quarterly basis or at other greater or of lesser frequency as determined by the Board and the Division for the duration of the probationary period thereafter
- j In the event Respondent should leave the State to practice in another jurisdiction for more than 30 days, Respondent shall notify the Board in writing of the dates of departure and return Respondent currently resides in Idaho The licensing authorities of the jurisdiction to which Respondent moves must be promptly notified of the provisions of this Stipulation Periods of residency or practice outside this State may apply to the reduction of the probation period, if the new state of residency places Respondent on probation with equal or greater terms and conditions
- k If Respondent leaves the State of Utah for a period longer than sixty (60) days, Respondent shall notify the Division and Board in writing of the dates of Respondent's departure and return The licensing authorities of the jurisdiction to which Respondent moves shall be notified by Respondent in writing of the provisions of this Stipulation and Order Periods of residency or practice outside the State of Utah may apply to the reduction of the period this Stipulation and Order is in effect, if the new state of residency places equal or greater conditions upon the Respondent as those contained in this Stipulation and Order
- l If Respondent is arrested or charged with a criminal offense, excluding traffic offense for which the fine is less than \$300, by any law-enforcement agency for any reason or should Respondent be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent agrees to cause the Division and Board to be notified immediately
- m Respondent must maintain a current license at all times during the period of suspension

- n Respondent shall immediately notify the Division/Board, in writing, of any changes of address
- o In the event Respondent violates or fails to fulfill any terms or conditions as contained in this Stipulation, the Division may, in addition to taking action as provided for herein, after giving Respondent notice and the opportunity to be heard, impose any sanction stayed thereby, and otherwise proceed against Respondent under applicable law. If a complaint or petition to revoke Respondent's license is filed, all terms and conditions of this agreement shall be extended until the matter is final.
- p If the time for completion of a term or condition of this Order is not specified the Board/Division shall have the discretion to set terms for completion. Failure to timely complete a term or condition as instructed by the Board/Division shall constitute a violation of this Order.

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's license to practice as a Podiatrist and Respondent's license to prescribe and administer controlled substances.

11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements.

between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

12. The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director.

Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order.

Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

14. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY: *Diana Baker*
DIANA BAKER
Bureau Manager

DATE *July 10, 2006*

MARK L SHURTLEFF
ATTORNEY GENERAL

BY: *L Mitchell Jones*
L MITCHELL JONES
Counsel for the Division

DATE: *3 July 2006*

RESPONDENT

BY: *William Woodrow Martin*
WILLIAM WOODROW MARTIN

DATE: *6-29-06*

ORDER

THE ABOVE STIPULATION, in the matter of WILLIAM WOODROW MARTIN is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 11th day of July, 2006

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


J. CRAIG JACKSON
Director

Investigator John Sims